

Wisconsin State Legislature

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Joint Committee on Finance *100th ANNIVERSARY 1911 - 2011*

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative Robin Vos

Date: June 30, 2011

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received June 30, 2011, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Fond du Lac County District Attorney office.

Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Wednesday, July 20, 2011**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:RV:jm



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: June 30, 2011

To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable Robin Vos, Co-Chair
Joint Committee on Finance

From: Mike Huebsch, Secretary *MH*
Department of Administration

Subject: s. 16.515/16.505(2) Request(s)

RECEIVED
JUN 30 2011

BY: *St. Finance*

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u>		<u>2012-13</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants	0	1.00 ¹	0	0.00

¹Convert project position to permanent position.

As provided in s. 16.515, the request(s) will be approved on July 21, 2011, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Carol Lynch at 266-3330, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: June 20, 2011

To: Brian Hayes

From: Leah Wavrunek

Subject: Section 16.515/16.505(2) Request(s)

Attached is a s. 16.515/505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2012-13</u> <u>AMOUNT</u>	<u>FTE</u>
District Attorneys 20.475(1)(h)	Gifts and grants		1.00*		

* Convert project position to permanent.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2012-13</u> <u>AMOUNT</u>	<u>FTE</u>
District Attorneys 20.475(1)(h)	Gifts and grants		1.00*		

* Convert project position to permanent.

DPS APPROVAL OK (FORWARD TO LINDA NELSON)
BKH APPROVAL JA CAROL LYNCH



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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Date: June 21, 2011

To: Mike Huebsch, Secretary
Department of Administration

From: Leah Wavrunek *LW*
Executive Policy and Budget Analyst

Subject: Request under s. 16.505 from the Fond du Lac County District Attorney to convert a program revenue project position to permanent.

REQUEST:

The Department of Administration (DOA), on behalf of the Fond du Lac County District Attorney office, requests the conversion of a 1.0 FTE program revenue assistant district attorney project position to permanent.

REVENUE SOURCES FOR APPROPRIATION(S):

The revenue source for the position under s. 20.475(1)(h) *Gifts and grants* is a grant of \$82,200 from the Office of Justice Assistance to the Fond du Lac County District Attorney office. The federal source is a STOP Violence Against Women formula grant. As the grant is funded from a program revenue continuing appropriation, there is no accompanying request for an increase in expenditure authority.

BACKGROUND:

The original position authority for a specialized prosecutor to focus on sexual assault and domestic violence cases was approved under passive review on October 16, 2007, with position authority granted through June 30, 2008. Subsequently, the committee approved annual extensions with the current authority expiring June 30, 2011. The position is a full-time ADA dedicated to the specialized prosecution of domestic violence and sexual assault cases.

The goal of the specialized prosecutor is vertical prosecution of most, if not all, sexual assault and domestic violence cases referred to the office. The prosecutor is also responsible for trainings to law enforcement on sexual assault/domestic violence issues, and collaborating with community programs and agencies that provide victim services. Above all, having a specialized prosecutor provides victims with a single point of contact throughout the process.

ANALYSIS:

The specialized prosecutor developed new processes for the handling of all domestic violence and sexual assault cases in Fond du Lac County since the first grant began in the fall of 2007. Policies and procedures now exist for intake/charging, processing and sentencing of domestic violence and sexual assault cases in the county. An overriding policy is obtaining victim input as early as possible, and before charging if possible. The policies and procedures help ensure that cases are handled consistently and hold the offender accountable. The position has also trained law enforcement agencies in the county on specific techniques and procedures which allow for an optimal prosecution.

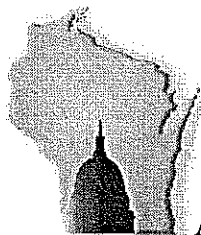
As part of the increased services to victims, signed collaborative agreements are in place with community service providers, who send advocates to the victim intake meetings to assist in answering victim questions as they relate to potential services available to the victim. During the last year advocates were offered for every initial victim meeting and approximately 15 percent of sexual assault cases had an advocate present.

The specialized prosecutor is making an impact on the way domestic violence and sexual assault cases are handled in the county. During the period of July 2006 through June 2007 (prior to beginning of grant), there was a 58 percent prosecution rate for domestic violence cases; this rate increased to 74 percent for the period from July 1, 2008 through June 30, 2009. In fiscal year 2009-10 the prosecutor handled 404 domestic violence referrals and 64 percent were prosecuted.

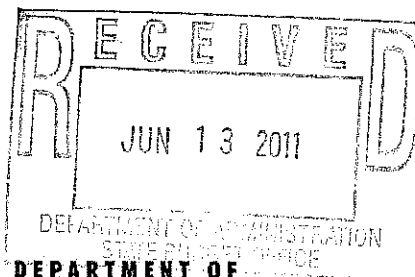
Due to the delay in the federal fiscal year 2011 budget, it is unknown at this time if the Fond du Lac County office will receive an additional year of funding. However, there are unspent funds from the current grant that will support the position through October 2011. The Office of Justice Assistance approved the use of this funding and has also committed to funding the position at minimum through the end of the calendar year. As this position will meet the four year maximum period for a project position in October, a conversion to permanent is requested in order to maintain the specialized prosecutor position in Fond du Lac County.

RECOMMENDATION:

Approve the request.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**



SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: June 10, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, Director
State Prosecutors Office

SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: FOND DU
LAC DISTRICT ATTORNEY'S OFFICE**

On behalf of the Fond du Lac County District Attorney's Office, I am submitting the attached request to convert a 1.0 FTE program revenue project position to a permanent position in the Department of District Attorneys.

Thank you for your attention to this matter.

Attachment

DEPARTMENT OF ADMINISTRATION REQUEST UNDER s.16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration requests, under s.16.505, the authorization to convert a 1.0 FTE Program Revenue (PR) assistant district attorney (ADA) project position (BC71) from a project to a permanent position. Currently the position is scheduled to expire on June 30, 2011. The position would continue to be funded via appropriation s.20.475(1)(h), and would be located in the Fond du Lac County District Attorney's office. The position will prosecute domestic violence and sexual assault cases. On October 16, 2007, the position was approved by the Joint Committee on Finance (JCF) with position authority through June 30, 2008. On July 11, 2008, the JCF granted extension of position authority through June 30, 2009. On July 7, 2009, the JCF granted a further extension of position authority through June 30, 2010. In 2010, JCF authorized the extension of position authority through June 30, 2011. Currently, there is unspent FY11 funding that could extend the position into October, 2011. The Office of Justice Assistance has indicated it will allow the remaining FY11 funding to be spent; and, is reviewing Fond du Lac's application to extend the grant through June 30, 2012.

II. BACKGROUND

The Office of Justice Assistance (OJA) awarded the Fond du Lac County DA's Office \$80,274 in a STOP Violence Against Women Formula grant. The funding was intended to cover the start-up costs of the specialized prosecution project and subsequent staffing of an ADA position. The grant enhanced the prosecution of domestic violence (DV) and sexual assault (SA) cases, and provided funding for a 0.75 FTE ADA from July 1, 2007, through June 30, 2008. However, OJA had authorized the use of an ADA at 0.25 FTE for the first couple of months; then, at the 1.0 FTE rate from approximately late October, 2007, until June 30, 2008. This was feasible because the grant had been recently awarded and legislative authorization for the position was required; consequently, the grant began well after the July 1, 2007, date that OJA had approved. On October 16, 2007, JCF granted position authority for a 1.0 FTE PR ADA through June 30, 2008. Position authority was extended to June 30, 2009, by JCF in July, 2008. Subsequently, in July, 2009, JCF extended position authority to June 30, 2010. In 2010, JCF authorized the extension of position authority through June 30, 2011.

Fond du Lac County has had an increase in SA and DV cases. In 1991, 353 DV cases were referred to the DA's Office; whereas, in 2006, 438 cases were referred. In 2008, 446 DV cases were referred to the DA's office for charging.

Fond du Lac County – STOP Violence Against Women Formula Grant

s.16.505 request

June 10, 2011

While the number of SAs in 1991 is not available, 99 SA charges were filed in 2006. With the benefit of this grant-funded position, the DA's Office is better suited to address the growth in these areas in order to protect victims and hold the perpetrators accountable for their actions. In addition, Fond du Lac County is witnessing an increase in non-English speaking victims. Efforts have been made in recent years to communicate effectively with these victims, easing the prosecution of those very difficult cases.

The grant-funded prosecutor has developed procedures to address the unique victim issues in SA and DV cases. While other ADAs have general case assignments without areas of specialization, the grant-funded ADA position focuses only on DV and SA issues. By designating an ADA for these cases, it has been possible to establish a protocol and procedures for such cases, and to build a rapport with victims, victim service providers, and law enforcement authorities. This position has conducted DA-hosted training for law enforcement, and has focused on changes or updates in the SA and DV arena. This has been extremely beneficial in establishing a strong working relationship between law enforcement and the DA's Office, and at the same time improving the success rate for holding offenders accountable and keeping victims safe. In addition, the ADA who has focused on SA and DV cases has established a more consistent formula for determining the appropriate use of the first offender counseling program.

III. ANALYSIS

This position is in keeping with the State's goal of preventing domestic violence and sexual assault.

IV. FISCAL ANALYSIS

The salary and fringe benefit costs of the 1.0 ADA will be adequately funded by the federal funds coming as program revenue to Fond du Lac County. s.20.475(1)(h) is a continuing appropriation and will be re-estimated to include the expected funds.

V. REVENUE SOURCE FOR APPROPRIATION

The source of funds is the U.S. Department of Justice's Office on Violence Against Women.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights that there would be no impact on the Fond du Lac DA Office since the position authority already was granted in October, 2007. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA Office, and is not specific to a particular type of activity or caseload such as that covered by this grant.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Detailed data on specific domestic violence and sexual assault crimes are not available.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The funding was competitively awarded by the federal government to the Fond du Lac County DA Office.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The funds are limited to being used for the domestic violence and sexual assault caseload.

Fond du Lac County – STOP Violence Against Women Formula Grant
s.16.505 request
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Table 1: DA Office Caseload Analysis, December 22, 2010

DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved	DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.12	1.12	Marathon	11.00	1.72	1.72
Ashland	1.75	0.53	0.53	Marinette	2.50	0.10	0.10
Barron	3.00	1.40	1.40	Marquette	1.25	0.55	0.55
Bayfield	1.00	0.49	0.49	Milwaukee	128.50	-11.35	-11.35
Brown	12.20	6.49	6.49	Monroe	3.00	3.19	3.19
Buffalo	1.00	0.02	0.02	Oconto	1.50	0.85	0.85
Burnett	1.25	0.88	0.88	Oneida	2.65	0.57	0.57
Calumet	2.00	0.37	0.37	Outagamie	11.90	3.48	3.48
Chippewa	5.00	0.97	0.97	Ozaukee	3.00	1.20	1.20
Clark	2.00	0.30	0.30	Pepin	0.80	-0.25	-0.25
Columbia	4.50	2.14	2.14	Pierce	2.50	-0.27	-0.27
Crawford	1.00	-0.30	-0.30	Polk	3.25	0.79	0.79
Dane	31.10	6.23	6.23	Portage	4.00	1.98	1.98
Dodge	4.00	2.27	2.27	Price	1.00	0.25	0.25
Door	2.00	0.31	0.31	Racine	18.00	7.96	7.96
Douglas	3.50	0.98	0.98	Richland	1.80	0.12	0.12
Dunn	3.00	1.31	1.31	Rock	14.00	5.02	5.02
Eau Claire	8.00	4.29	4.29	Rusk	1.50	-0.18	-0.18
Florence	0.50	0.12	0.12	Saint Croix	6.95	0.16	0.16
Fond du Lac	7.40	1.96	1.96	Sauk	4.50	2.08	2.08
Forest	1.00	0.59	0.59	Sawyer	2.00	1.12	1.12
Grant	2.00	1.51	1.51	Shaw/Men	3.00	1.79	1.79
Green	2.00	0.93	0.93	Sheboygan	7.50	5.11	5.11
Green Lake	1.75	0.37	0.37	Taylor	1.00	0.14	0.14
Iowa	1.75	0.66	0.66	Trempealeau	2.00	0.33	0.33
Iron	1.00	-0.18	-0.18	Vernon	2.00	-0.68	-0.68
Jackson	2.00	0.62	0.62	Vilas	2.00	0.53	0.53
Jefferson	5.30	2.77	2.77	Walworth	5.00	2.32	2.32
Juneau	2.50	0.92	0.92	Washburn	1.25	0.53	0.53
Kenosha	16.00	3.95	3.95	Washington	5.00	2.39	2.39
Kewaunee	1.50	-0.36	-0.36	Waukesha	16.50	4.38	4.38
La Crosse	8.00	2.89	2.89	Waupaca	3.50	0.80	0.80
Lafayette	1.00	0.03	0.03	Waushara	1.75	0.28	0.28
Langlade	1.50	1.83	1.83	Winnebago	10.40	4.91	4.91
Lincoln	2.00	1.44	1.44	Wood	4.00	4.90	4.90
Manitowoc	5.00	1.77	1.77				

Fond du Lac County – STOP Violence Against Women Formula Grant
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*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St.Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.

Werner, Phil W - DOA

From: Kaminsky, Dan [Dan.Kaminsky@da.wi.gov]
Sent: Thursday, June 09, 2011 10:54 AM
To: Werner, Phil W - DOA; Tenerelli, Kimberly A - DAIT
Cc: Neubauer, Debra
Subject: RE: STOP VAWA Grant

Yes, we wish to extend. We have completed our application for the grant and are awaiting decision. We asked for full funding as has occurred for this position in the past (we have actually been awarded more than the position has cost in the past).

Sincerely,

Daniel Kaminsky
District Attorney
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935
(920) 929-3048

From: Werner, Phil W - DOA [mailto:phil.werner@wisconsin.gov]
Sent: Thursday, June 09, 2011 10:52 AM
To: Kaminsky, Dan; Tenerelli, Kimberly
Cc: Neubauer, Debra
Subject: STOP VAWA Grant
Importance: High

Hi Dan and Kimberly: As you know, the STOP/VAWA grant position that Devra Ayala works in has position authority only through June 30, 2011. We will need to submit a request to Joint Finance requesting an extension of the position.

Have you applied with OJA to continue the position? If so, for how long did you request an extension (e.g. – one year?) and how much funding did you request?

Due to the delay in resolving the federal budget, OJA does not anticipate receiving the federal fiscal year 2011 award funding before October 1, 2011. This is creating funding challenges for OJA.

I estimate that by June 18, 2011, approximately \$70,500 of the \$82,200 FFY11 award will have been spent. I will check with OJA to see if they will extend the end date of this STOP/VAWA position and continue its funding.

Please confirm by e-mail that you wish to request an extension of the position authority by Joint Finance for this position, and if you have applied for funding from OJA.

Thanks. Phil.

Philip W. Werner
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